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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/717,521

11/21/2003

Boon Ho

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06/23/2009

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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

HAILE, FEBEN

ART UNIT

PAPER NUMBER

2416

NOTIFICATION DATE

DELIVERY MODE

06/23/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: BOON HO, SRIKANTH NATARAJAN
and DIPANKAR GUPTA

Application No. 10/717,521
Technology Center 2400

Mailed: June 22, 2009

Before Deborah L. PERRY, *Supervisory Paralegal Specialist, Review Team*
PERRY, *Supervisory Paralegal Specialist, Review Team*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on March 4, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

FINAL REJECTION

A review of the file reveals that the Final Rejection mailed March 21, 2008, that the status of the claims as provided in the Examiner's Answer mailed October 22, 2008, specifically the cover sheet, Form PTOL-90A, indicates that Claims 1-37 are rejected. However, Claim 37 is not included in the rejection of the claims other than the cover page (Form PTOL-90). The Final Rejection is silent to the actual disposition of Claim 37.

EXAMINER'S ANSWER

The Examiner's Answer, issued October 22, 2008, is also silent to the disposition of Claim 37.

The Examiner must clarify the status of Claim 37. The Examiner's Answer issued October 22, 2008, should be "**vacated**" and a Supplemental Examiner's Answer issued. As a reminder, **all** Supplemental Examiner's Answer's require the signature of the Director and/or the designee. If the Supplemental Examiner's Answer rejects Claim 37, the appendix headings Claims on Appeal; Grounds of Rejections and Arguments should also be updated and/or corrected.

CONCLUSION

Accordingly, it is **ORDERED**
that the application is returned to the Examiner:

- 1) to “vacate” the Examiner’s Answer mailed October 22, 2008;
- 2) to issue a Supplemental Examiner’s Answer setting forth the status of Claim 37;
- 3) if appropriate, updating or correcting the appendix Claims on Appeal; Grounds of Rejections, Arguments and any other appendix of the Answer as may be required;
- 4) to include the approval of the TC Director or his/her designee; and
- 5) for such further action as may be required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DLP/klh

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